

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Harold Holmes,	)	
	)	
Plaintiff,	)	
vs.	)	Case No.: 2:11-cv-01031-GMN-CWH
	)	
United States of America, <i>et al.</i> ,	)	<b>ORDER</b>
	)	
Defendants.	)	
	)	

Pending before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge George Foley, Jr. (ECF No. 2.)<sup>1</sup> Plaintiff Harold Holmes filed a timely Objection (ECF No. 5). For the reasons discussed below, the Court will ACCEPT in full Judge Foley’s Report and Recommendation.

## I. BACKGROUND

This action was referred to Judge Foley pursuant to 28 U.S.C. § 636(b)(1)(B) and District of Nevada Local Rule IB 1-4 upon the filing of Plaintiff's application to proceed *in forma pauperis* (ECF No. 1). Judge Foley granted Plaintiff's application, screened Plaintiff's Complaint pursuant to 28 U.S.C. § 1915(e), and recommended dismissal with prejudice. (Order and R&R, ECF No. 2.)

In his Objection, Plaintiff does not specify any portions of the R&R to which he objects, but instead appears to re-state his factual allegations in a general objection. (ECF No. 5.)

<sup>1</sup> After the R&R was entered in the docket, United States Magistrate Judge Carl W. Hoffman was assigned for all further proceedings. (Min. Order, Aug. 15, 2011, ECF No. 4.) Plaintiff filed his Objection (ECF No. 5) four days later, and on August 22, 2011, filed a Notice of Correction of Record indicating the new case number, 2:11-cv-01031-GMN-CWH. (ECF No. 6.) The Court acknowledges the correction, and finds no error or prejudice to Plaintiff from the correction.

1 **II. LEGAL STANDARD**

2 A party may file specific written objections to the findings and recommendations of a  
3 United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B);  
4 D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo*  
5 determination of those portions of the Report to which objections are made. *Id.* The Court may  
6 accept, reject, or modify, in whole or in part, the findings or recommendations of the Magistrate  
7 Judge. 28 U.S.C. § 636(b)(1); D. Nev. IB 3-2(b).

8 **III. DISCUSSION**

9 Here, the R&R explains thoroughly the legal standards governing Plaintiff's claims, and  
10 concludes that Plaintiff has failed to state any claim upon which relief can be granted. (R&R,  
11 ECF No. 2.) Concluding that the deficiencies in Plaintiff's claims cannot be cured by  
12 amendment, Judge Foley recommends dismissal with prejudice. (*Id.*)

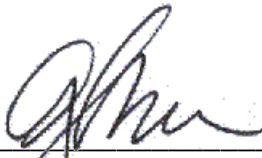
13 The Court has reviewed *de novo* the factual findings of the R&R, as compared to the  
14 factual allegations contained in Plaintiff's Objection, and finds no discrepancy warranting  
15 rejection of Judge Foley's findings or conclusions. Plaintiff makes no specific objections to the  
16 legal conclusions in the R&R, and the Court likewise finds no error. Accordingly, the Court  
17 will ACCEPT the R&R in full.

18 **IV. CONCLUSION**

19 **IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 2) be  
20 **ACCEPTED** in full.

21 **IT IS FURTHER ORDERED** that Plaintiff's Complaint (ECF No. 3) is **DISMISSED**  
22 **with prejudice**. The Clerk shall enter judgment accordingly.

23 DATED this 4th day of November, 2013.

24   
25 \_\_\_\_\_  
Gloria M. Navarro  
United States District Judge